



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,711	10/06/2003	Shoupu Chen	86558SLP	2889

7590 10/01/2007
EASTMAN KODAK COMPANY
THOMAS H. CLOSE
PATENT LEGAL STAFF
ROCHESTER, NY 14650-2201

EXAMINER

PATEL, JAYESH A

ART UNIT	PAPER NUMBER
----------	--------------

2624

MAIL DATE	DELIVERY MODE
-----------	---------------

10/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/679,711

Applicant(s)

CHEN ET AL.

Examiner

Jayesh A. Patel

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-23.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

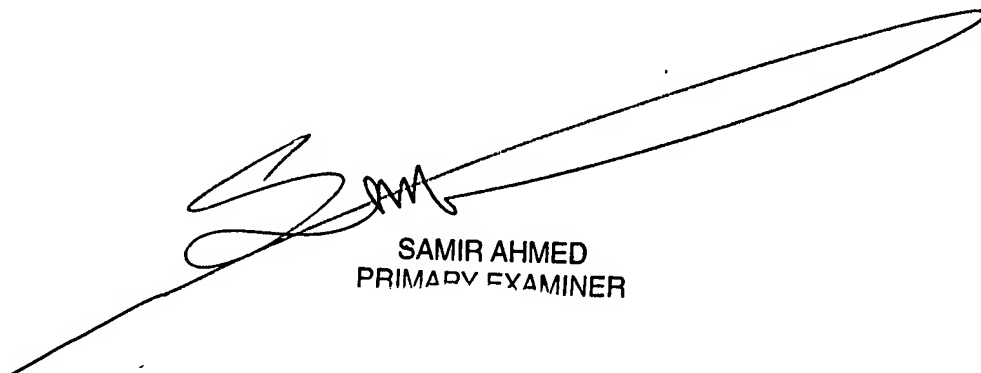
Continuation of 13. Other:

Regarding Claims 1 and 12, the applicant argues on page 7 and 8 "no image specific image data is provided". The examiner disagrees. 1) Claims are read and interpreted in light of the specifications and given the broadest possible meaning. Limitations from the specification are not read in to the Claims. See MPEP § 2111 [R-5]- 2111.01[R-5]. The word "image specific Metadata" means data about the image. Adler (US 20020177779) teaches "image specific metadata" as follows. 1) In Para 0019 Adler discloses the in-vivo camera system capturing and transmitting images of the GI tract to the processor which shows the data about the images is being transferred to the processor. 2) Adler further discloses in Para 0021 the transmitter 41 transmits images to the image receiver 12 which sends data to the data processor 14 for analysis. The data is the "frame data"(image specific metadata) and the analysed data is sent to the image monitor. 3) Adler further discloses that the data processor can be configured for processing the data about images "image specific metadata" to provide the location of the pathologies (abnormalities in GI tract) in para 0021. 4) Adler further discloses in para 0025 that images are captured and (image data) are processed to detect pathologies. 5) Adler further discloses in Para 0028 and 0029 the time index and the distance of the current and the previous frame in analyzing the blood which clearly indicates "image specific metadata" is used for processing the frame data. 6) Adler in para 0037 discloses displaying the results with the position indicator (location of the abnormalities) which shows the image specific metadata. For the purpose of discussion and further explanation let's look at the definition of image specific metadata in the specification on page 7 lines 27-31 and Page 8 Lines 1-7 which shows Frame data (i.e frame index number, frame capture rate, frame capture time and exposure level), relative position, distance travelled and the location of the detected abnormalities. Adler discloses frame data (in paras 0021, 0028 and 0029). Adler also discloses distance travelled in Para 0030. Adler discloses the location of the abnormalities in para 0037 (position indicator). The applicant traverses the rejection regarding Claims 7, 9-12, 18 and 20-23 with respect to the combination of Adler and Meron (US 6950690) and the reason is "image specific metadata". The examiner disagrees due to the above explanation for claims 1 and 12. The applicant traverses the rejection of Claims 2-6, 8, 14-17, 19 being directly or indirectly dependent on Claim 1 or 12, the examiner disagrees due to the explanation provided with respect to independent Claims 1 and 12 earlier.

Jayesh. Patel

09/29/07

JP



SAMIR AHMED
PRIMARY EXAMINER